

PRC:DDB
F# 2007R01316

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

08 48
INDICTMENT

- against -

CELESTINO ORTA,

WEINSTEIN, J.

(T. 18, U.S.C., §§
666(a)(2), 2 and 3551
et seq.)

Defendant

POHORELSKY, M.J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

- - - - -X

THE GRAND JURY CHARGES:

*** JAN 24 2008 ***

BROOKLYN OFFICE

At all times relevant to this Indictment, unless
otherwise indicated:

INTRODUCTION

I. THE ENVIRONMENTAL CONTROL BOARD

1. The "Environmental Control Board" ("ECB") is an administrative tribunal of the New York City Department of Environmental Protection ("DEP"). The ECB adjudicates violations of the City's Administrative Code issued by various City agencies, including the DEP and the New York City Departments of Buildings, Sanitation, Health and Transportation.

2. Administrative Law Judges serving on the ECB hold hearings to determine, among other things, whether a violation exists and whether a violator has mitigated the violation by taking corrective action. The ECB is authorized to issue orders

to correct the conditions giving rise to the violation, as well as monetary fines.

3. Administrative Law Judges, clerks, and others who work for the ECB are employees of the DEP. The costs of the ECB's operations are paid out of the DEP's budget.

II. The Bribery Scheme

4. Between approximately June 5, 2007 and July 19, 2007, the defendant CELESTINO ORTA engaged in a series of conversations with a law enforcement agent posing in an undercover capacity as a clerk for the ECB ("the UC Clerk") concerning various schemes to defraud the ECB devised by ORTA.

5. As part of this scheme, the UC Clerk was to provide CELESTINO ORTA with the name of a company with a large, outstanding ECB judgment pending against it, along with copies of the actual ECB violations issued to that company. ORTA would then contact a representative of that company and offer to have the ECB judgment satisfied if the representative paid ORTA half the dollar amount of the pending judgment. If the representative of the company agreed to the terms, ORTA would have the UC Clerk access ECB's database and falsify ECB records to indicate that the company's judgment had been satisfied. Once Orta was paid by the company, he would give the UC Clerk one half of the money he had received.

6. On or about July 18, 2007, in the Eastern District

of New York, the UC Clerk provided ORTA with ECB violations for a particular company ("the Company"), which, according to ECB records, had outstanding judgments totaling over \$33,000. ORTA then had a conversation with a law enforcement agent acting in an undercover capacity as a representative of the Company ("the UC Representative"), during which ORTA solicited, and the UC Representative agreed to pay, \$15,000 to ORTA, once ORTA was able to provide proof that ECB records had been altered to show that the Company's ECB judgement had been satisfied. Orta subsequently provided such proof to the UC Representative.

7. On or about July 19, 2007, ORTA met with the UC Representative and was paid \$15,000 in United States currency as payment for having the ECB judgment against the Company satisfied. ORTA then met with the UC Clerk in Brooklyn, New York, and gave her \$7,500 in United States currency.

COUNT ONE

8. Paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

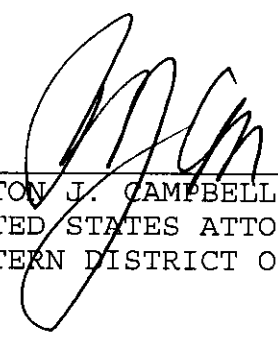
9. On or about and between June 5, 2007 and July 19, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant CELESTINO ORTA did knowingly, intentionally, and corruptly give, offer and agree to give something of value, to wit, United States currency, to a person, with intent to influence and reward an

agent of a local government agency, to wit, an employee of the DEP, which agency received benefits in excess of \$10,000 in a one-year period under a Federal program involving a grant, subsidy or other form of Federal assistance, in connection with the business and a series of transactions of the DEP involving things of value of \$5,000 or more.

(Title 18, United States Code, Sections 666(a)(2), 2 and 3551 et seq.)

A TRUE BILL


FOREPERSON


BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

Celestino Cota

Defendant.

INDICTMENT

Title 18 U.S.C. 666(a)(2)

A true bill.



Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____

AUSA Daniel D. Brownell
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